

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Jens JAKOBSEN

Serial No.: 10/516,870

Examiner: Benjamin E. Gaddy

Filed: August 25, 2005

Group Art Unit: 4181

For: VOICE-CONTROLLED DATA ACCESS IN AND CONTROL OF A  
MOBILE COMMUNICATION DEVICE VIA SPEECH RECOGNITION (as  
amended)

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REMARKS SUPPLEMENTAL TO AMENDMENT  
MAILED February 26, 2008 UNDER RULE 8**

Sir:

These supplemental remarks are further to the remarks in the amendment  
mailed under Rule 8 on February 26, 2008.

SUPPLEMENTAL REMARKS

These supplemental remarks are filed to address the second part of the Examiner's 35 USC 101 rejection of claims 7, 8 and 9 which was inadvertently overlooked.

In the amendment mailed February 26, claims 7 and 8 were cancelled and therefore only claim 9 remains rejected for being a "hybrid" claim.

With regard to the "hybrid" issue, the Examiner's position is contested because claim 9 meets the infringement test of MPEP Section 608.01(n). See in particular the infringement test under Roman numeral III on page 600-91 of the MPEP. Essentially this provision means that a dependent claim such as claim 9 is proper if there could be no case where the dependent claim 9 could be infringed without also infringing the independent claim 1. Such is the case with claims 1 and 9 and withdrawal of the rejection on that ground is requested also.

The objections and rejections of the Office Action of November 27, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-6, 9-16, as amended, and new claims 17-20 to issue is earnestly solicited.

Respectfully submitted,

/Francis J. Maguire/

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